

## **REMARKS**

In view of the following discussion, the Applicant submits that none of the claims now pending in the application are anticipated or obvious under the provisions of 35 U.S.C. § 102 and § 103. Thus, the Applicant believes that all of these claims are now in allowable form.

### **I. IN THE SPECIFICATION**

The abstract has been amended to comply with the Examiner's comments. The abstract has been reduced to a range of 50-150 words in accordance with MPEP § 608.01(b). Furthermore, a new clean copy of the entire specification in double spaced, good quality paper, is attached in accordance with the Examiner's request.

### **II. REJECTION OF CLAIMS 1, 2, 10-12, 19 AND 20 UNDER 35 U.S.C. § 102**

The Examiner has rejected claims 1, 2, 10-12, 19 and 20 in the Office Action under 35 U.S.C. § 102 as being anticipated by Chuang et al. (US Patent 6,052,594, issued April 18, 2000, hereinafter referred to as "Chuang").

Responsive to the Examiner, Applicant has canceled claims 1, 2, 10-12, 19 and 20 without prejudice. However, Applicant reserves the rights to file one of more continuation applications to continue the prosecution of these canceled claims. Thus, the present rejection is now moot.

### **III. REJECTION OF CLAIMS 3 AND 21 UNDER 35 U.S.C. § 103**

The Examiner has rejected claims 3 and 21 in the Office Action under 35 U.S.C. § 103 as being obvious over Chuang. Applicant respectfully traverses the rejection.

As Chuang was filed on April 30, 1997 and issued April 18, 2000 after the Applicant's March 23, 2000 provisional application filing date, Chuang is a 102(e) type reference. Chuang was assigned to AT&T Corp. (see enclosed Notice of Recordation).

The Applicant's invention is also assigned to AT&T Corp, and was recorded on July 30, 2001 (reel/frame 012047/0491, see enclosed Notice of Recordation). Thus, the Applicant's invention and Chuang were commonly assigned at the time of the Applicant's invention. Since this application was filed on or after November 29, 1999,

Chuang does not preclude patentability under the provisions of 35 U.S.C. § 103(c), as amended by the American Inventors Protection Act of 1999. See MPEP 706.02(I)(1). Therefore, the Applicant submits that claims 3 and 21 fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder. Accordingly, the Applicant respectfully requests the foregoing rejections to claims 3 and 21 be withdrawn.

#### **IV. ALLOWABLE SUBJECT MATTER**

The Applicant thanks the Examiner for his comments regarding the allowability of claims 4-9, 13-18 and 22-29.

#### **Conclusion**

Thus, the Applicant submits that all of these claims now fully satisfy the requirement of 35 U.S.C. §102 and §103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

1/21/05

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